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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,531	11/12/2003	Shigeo Konuma	03684 /LH	9303
1933 7590 01/11/2007 FRISHAUF, HOLTZ, GOODMAN & CHICK, PC 220 Fifth Avenue 16TH Floor NEW YORK, NY 10001-7708			EXAMINER HOLTON, STEVEN E	
			ART UNIT	PAPER NUMBER
			2629	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/11/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No. 10/713,531	Applicant(s) KONUMA ET AL.	
	Examiner Steven E. Holton	Art Unit 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 1 and 6 are objected to because of the following informalities:  
Claims 1 and 6, lines 2-4 have the phrase, "an operation display section which has... of a display section, can input an operation instruction by pressing..." It is unclear what is referred to in the clause "can input an operation instruction..." It is assumed that the clause is referring to a user or similar, but it is unclear with the current claim language.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Spalding (USPgPub: 2003/0142082).

Regarding claim 1, Spalding discloses a touch screen input system (Fig. 1, element 12; Fig. 3, element 70; paragraph 39) for displaying images to a user. Spalding further discloses an operation control section (Fig. 1, element 14;

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paragraphs 16 and 17) that controls the display to display selection items to decide the size of items on the display (paragraphs 39-41). The selection items on the touch screen are used to change the displayed size of items on the display.

Regarding claim 6, the Examiner notes that the claim is essentially identical to claim 1 except for renaming the "operation instruction item character group" as an "operation button". Spalding discloses selecting the size of the entire image shown on the touch screen (paragraphs 39-42), this would include the size of any buttons or text displayed. Therefore, the arguments applied to claim 1 are also applied to claim 6.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2-5 and 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spalding in view of Duncan et al. (USPN: 7107533), hereinafter Duncan.

Regarding claim 2, as discussed above, Spalding discloses all of the limitations except, "determination means for determining whether the operation instruction item character group having the decided display size can be displayed

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in one display window layout, and layout setting means for setting a display window layout of the operation instruction item character group on the display screen on the basis of a determination result of said determination means.”

Spalding discloses resizing the image displayed on a screen based on selection by a user, but does not expressly disclose using different layouts based on the selected size.

Duncan discloses an electronic book with the ability to resize the displayed information on the screen (col. 1, lines 32-37; col. 8, line 52 – col. 9, line 52). Based on the selected size the program automatically calculates how much information can be displayed on a single page and reformats the layout based on the size (col. 8, line 63 – col. 9, line 8).

At the time of invention it would have been obvious to one skilled in the art to combine the teachings of Spalding and Duncan. When resizing information displayed on a screen it would be obvious to one skilled in the art that information could be increased to a size that would not completely fit on the display. Using a paginator of Duncan or some other related automatic program the layout of the displayed information could be recalculated to assure that all information is displayed on a single or multiple screens depending on size (Duncan, col. 8, line 58-63). Thus, it would have been obvious to one skilled in the art to combine the teachings of Spalding and Duncan to produce a device as specified in claim 2.

Regarding claims 3-5, Duncan discloses the layout is determined based on the selected size. This would result in a “standard” display layout based on the default size and a changed layout based on other selected sizes. The

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change from one layout to another would be caused when the size change is large enough that the paginator determines that information would not be properly displayed on the display.

Regarding claims 7-10, the claims are related to claims 2-5, but recite the changing of the layout of buttons on the display rather than "operation instruction item character groups". Although, Duncan deals with a layout of text, it would be obvious to one skilled in the art that displaying buttons with resizable text would create a similar issue of having a layout be unusable for the newly resized buttons. Therefore, an automatic layout calculator could be used to alter the layout of buttons that are resized based on selection from the user, and the arguments used for claims 2-5 can be similarly applied to claims 7-10.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Examiner cites the Microsoft Word word processor program. The program system provides the option to use large or normal sized menu buttons in the toolbars. The option is accessed under the "View – Toolbars – Customize" option and selection of normal or large sized buttons results in an automatic alteration of the layout of the buttons. This selection has been available since at least Microsoft Office 97 as shown with the provided reference from the Microsoft web pages.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven E. Holton whose telephone number is (571) 272-7903. The examiner can normally be reached on M-F 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amr Awad can be reached on (571) 272-7764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Steven E. Holton  
Division 2629  
January 4, 2007

AMR A. AWAD  
SUPERVISORY PATENT EXAMINER

